



PATENT APPLICATION

Our Docket No. 990356.CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Stephen Nuss :
Serial No. : 09/760,136 : Art Unit 3736
Filed : January 12, 2001 : Examiner Wingood
For : TITANIUM MOLYBDENUM ALLOY GUIDEWIRE

ELECTION/RESTRICTION

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This response is submitted in response to the Election/Restriction requirement dated
January 14, 2003.

The applicant elects group I with traverse.

The examiner's reason for requiring a restriction is not justified. The method claims include the step of "obtaining a titanium molybdenum alloy wire" and then processing it according to the steps listed. To obtain the wire it is extruded, therefore it is not another way the wire is made, it is the way the wire is made. The claims are not dependent on how the wire is obtained, just that it is obtained. The way the wire is processed after it is obtained is the invention. Since the claims are not based on the method of obtaining the wire but only on processing of the wire after it is made to form the guidewire claimed the examiners restriction requirement is unjustified.

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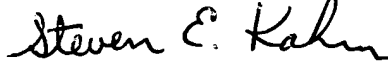
Further the claims were previously allowed for essentially the same claims for both the guidewire and the method claims. The only difference in the set of claims now presented is the substitution of zirconium for zinc in claims 12, 20, 28 and 33.

Since the claims were previously allowed for both the guidewire and the method of making the guidewire and the substitution of zirconium for zinc in this set of claims should not suddenly make the claims into distinct inventions both the guidewire and the method of making the guidewire are allowable in this application.

The applicant requests that the restriction requirement be dropped and that all claims should issue in this application.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



Steven E. Kahm
Attorney for Applicant
Registration No. 30860
900 Second Avenue South
Suite 820
Minneapolis, MN 55402
Phone: 612-339-7461

January 30, 2003